## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Serbousek, Jon C. et al.

Serial No. : To be assigned Art Unit: To be assigned

Filed : Herewith Examiner: To be assigned

For : PROSTHESIS WITH FEATURE ALIGNED TO TRABECULAE

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(Date of Deposit)

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> September 24, 2003 (Date of Signature)

Commissioner for Patents Washington, D.C. 20231

## INFORMATION DISCLOSURE STATEMENT

Dear Sir:

Pursuant to 37 C.F.R. §1.56 and in accordance with 37 C.F.R. §§1.97-1.98, information relating to the above-identified application is hereby disclosed. Inclusion of information in this statement is not to be construed as an admission that this information is material as that term is defined in 37 C.F.R. §1.56(b).

Applicant(s) reserve(s) the right to establish the patentability of the claimed invention over any of the information provided herewith, and/or to prove that this information may not be prior art, and/or to prove that this information may not be enabling for the teachings purportedly offered.

This statement should not be construed as a representation that a search has been made, or that information more material to the examination of the present patent application does not exist.

These references were cited by or submitted to the U.S. Patent and Trademark Office in the following application to which priority is claimed: US Patent Application file #09/989,123 filed on November 20, 2001.

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In accordance with §1.97(b), since this Information

Disclosure Statement is being filed either within three months of the filing date of the above-identified national application (other than a continued prosecution application under \$1.53(d)), within three months of the date of entry into the national stage of the above identified application as set forth in §1.491, or before the mailing date of a first Office Action on the merits of the above-identified application, or before the mailing date of a first Office Action after the filing of a request for continued examination under §1.114, no additional fee is required. In accordance with §1.129(a), this Information Disclosure Statement is being filed in connection with [] the first or second After Final Submission, therefore:  $\Box$ Statement in Accordance with §1.97(e) (attached); or Please charge Deposit Account No. 10-0750/DEP652CON/JSW the fee of \$180.00 as set forth in §1.17(p). In accordance with §1.97(c), this Information Disclosure Statement is being filed after the period set forth

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an action that otherwise closes prosecution and that it is accompanied by one of: Statement in Accordance with §1.97(e) (attached); or Please charge Deposit Account No. 10- $\Box$ 0750/DEP652CON/JSWthe fee of \$180.00 as set forth in §1.17(p). In accordance with §1.97(d), this Information Disclosure Statement is being filed after the mailing date of either a Final Action under §1.113 or a Notice of Allowance under §1.311 but before the payment of the Issue Fee. Applicant(s) hereby petition(s) for consideration of this Information Disclosure Statement. Included are: Statement in Accordance with §1.97(e) as set forth below and the fee of \$180.00 as set forth in §1.17(p). Copies of each of the references listed on the  $\Box$ attached Form PTO-1449 are enclosed herewith. Copies of references listed on the attached Form PTO-1449 are enclosed herewith EXCEPT THAT:  $\Box$ In view of the voluminous nature of references [list as appropriate], and the likelihood that these references are available to the Examiner, copies are not enclosed herewith. If any of the foregoing publications are not available to the Examiner, Applicant will endeavor to supply copies at the Examiner's request.  $\boxtimes$ There are no listed references which are not in the English language.

The relevance of those listed references which are not in the English language is as follows: Attached are copies of search report(s) from corresponding patent application(s), which are listed on the attached Submission Under MPEP 609 D. Attached are the following non-published pending patent applications which may be deemed relevant, which are listed on the attached Submission Under MPEP 609 D. Please charge any deficiency or credit any overpayment to Deposit Account No. 10-0750/DEP652CON/JSW. This form is submitted in triplicate. Respectfully submitted, Reg. No. 36,043 Attorney for Applicants Johnson & Johnson

One Johnson & Johnson Plaza New Brunswick, NJ 08933-7003 (574) 372-7332

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#### Substitute for form 1449A/PTO

# INFORMATION DISCLOSURE STATEMENT BY APPLICANT

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Application Number	
Filing Date	
First Named Inventor	Serbousek, Jon C.
Group Art Unit	
Examiner Name	
Attorney Docket Number	DEP652CON

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	I	U.S. Patent Document		U.S. PATENT DOCUMENTS			<del></del>
Examiner Initials	Cite No. <sup>1</sup>		d Code <sup>2</sup> (known)	Name of Patentee or Applicant of Cited Document		Date of Publicatio of Cited Documer mm-dd-yyyy	
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### FOREIGN PATENT DOCUMENTS

Examiner Cite		Foreign	Foreign Patent Document		Name of Patentee or	Date of Publication of Cited Document	Pages, Columns, Lines, where relevant	
	Number⁴	KindCode <sup>5</sup>	Applicant of Cited Document	mm-dd-yyyy	passages or relevant figures appear	T⁵		
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		OTHER PRIOR ART - NON PATENT LITERATURE DOCUMENTS	
Examiner's	Cite	Include name of the author (in CAPITOL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s),	T <sup>2</sup>
Initials*	No. <sup>1</sup>	publisher, city and/or country where published	
		BIOMET® INC., Bio-Groove® HA Enhanced, 16 pages, Form No. Y-BMT-264/123192, Biomet, Inc. Warsaw, Indiana 46580 ©1992 Biomet, Inc., Biomet Ltd., Waterton Industrial Estate, Bridgend, South Glamorgan CF31 3YN, UK	
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		DePUY, INC., Uni-Rom® Total Hip system Surgical Technique, 8 pages, Printed in USA ©1999 DePuy Orthopaedics, Inc. 700 Orthopaedic Drive, Warsaw, IN 46580 USA; DePuy International Ltd., St Anthony's Road, Leeds LS11 8DT, England	
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